

## **REMARKS**

This Amendment is being submitted to amend independent claims 82 and 84 to further distinguish the prior art previously applied to reject the claims and to address the grounds for affirming the prior rejection as stated by the USPTO Board of Appeals.

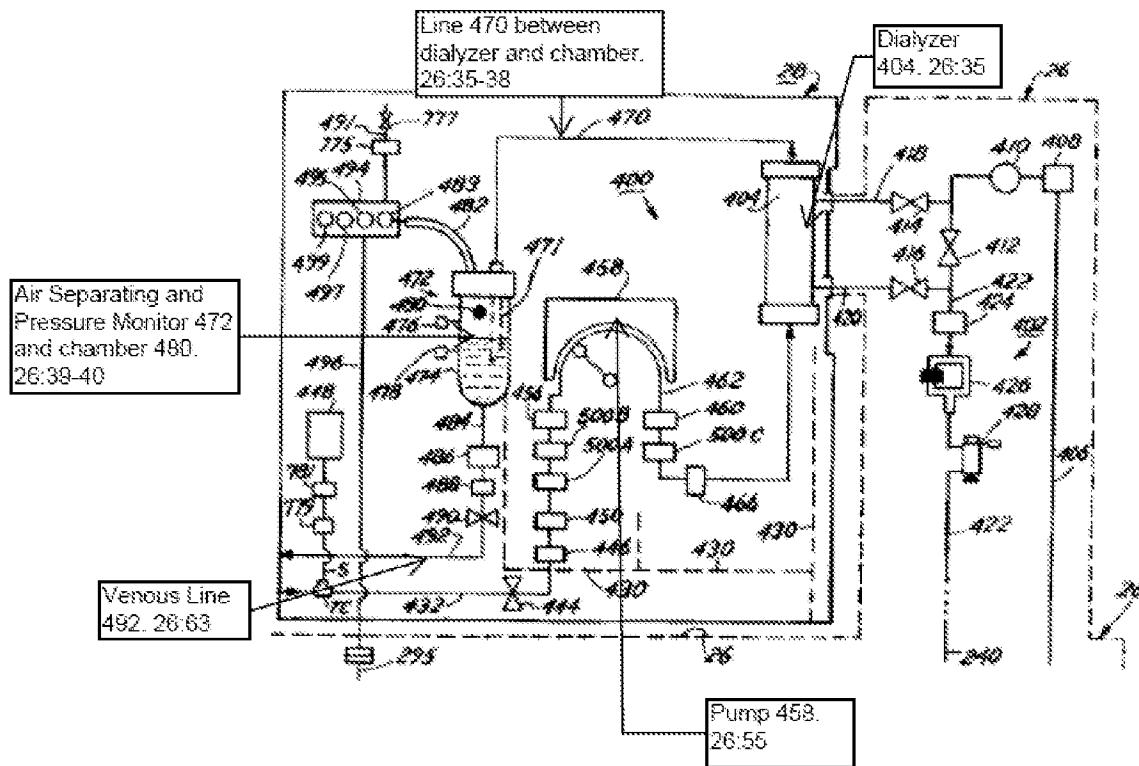
Claims 82 to 85 are rejected as being anticipated by Kenley. The grounds for rejection were affirmed by the Board of Appeals in a decision of January 16, 2008. In affirming the rejection, the Board stated that independent claims 82 and 84 “do not recite that the return line is *directly* connected to the patient access” and thus rejected applicants arguments distinguishing Kenley from the invention as recited in the claims.

In view of the Board’s decision, claims 82 and 84 have been amended to require the return line to be “directly connected” to the patient access and to require refuse flow in both the patient access and the return line when the blood pump is reversed.

Kenley does not disclose a return line that is directly connected to a patient access or reversal of blood flow in the patient access when the blood pump is reversed. The figure below is an annotated Figure 13 from Kenley et al and shows that the blood line 470 is not connected to a patient access.<sup>1</sup>

---

<sup>1</sup> In the followin figure, the references to the column and lines of Kenley et al are indicated in the text boxes.



The blood line 470 is separated by air separator 472 from the return line 492 which is connected to a patient access. The separator removes air in the blood line 470. Air bubbles may occur in the blood line 470. As blood flows from the outlet of line 470 it enters the chamber 480 of the separator 472. Air in the blood bubbles to the top of the chamber and is vented. Blood settles in the chamber and ultimately drains out of the chamber bottom and into return line 492.

When the Kenley pump is reversed, the blood line 492 is clamped shut to ensure that no blood is drawn out of the patient through the return line 492. Kenley, col. 26, lns. 57-60. The clamp prevents fluid flow through the return line 492 while the pump is reversed. Accordingly, the blood does not flow in a reverse direction through the patient

John O'Mahony et al.  
Appl. No. 10/601,574  
March 14, 2008

access or through the line 492 that is directly connected to the patient access when the blood pump is reversed.

In view of the amendments to claims 82 and 84, claims 82 to 85 are not anticipated by Kenley.

All claims are in good condition for allowance. If any small matter remains outstanding, the Examiner is requested to telephone applicants' attorney. Prompt reconsideration and allowance of this application is requested.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: /Jeffry H. Nelson/

Jeffry H. Nelson  
Reg. No. 30,481

JHN:glf  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100